

Appl. No. 09/868,376
Amendment and/or Response
Reply to Office action of 20 June 2007

Page 11 of 16

REMARKS / DISCUSSION OF ISSUES

Claims 35-69 and 71-74 are pending in the application. Claims 35-41 and 62-64 are allowed and claims 45-46, 53, 59, and 69 are objected to. Claim 45 is rewritten in independent form, and claim 70 is canceled herein.

The claims are modified for non-statutory reasons. When a user manipulates an input device, input events are communicated to a processing system. The claims are amended to reflect this fact. The intended scope of claims so amended is unchanged, and no new matter is added.

The Office action rejects claims 66-68 under 35 U.S.C. 112, first paragraph. The applicants respectfully traverse this rejection. The applicants respectfully maintain that a screen abutting the tabletop (claim 66), a screen extending to the edge of the tabletop (claims 67-68), and a horizontal screen enclosed within a part of the upper table top (claim 69), are described at page 6, lines 14-17, at which the applicants teach a table with a built-in touch screen.

The Office action rejects claims 73 and 74 under 35 U.S.C. 112, second paragraph, for inclusion of the word "substantially". The applicants respectfully traverse this rejection. The courts have consistently upheld the use of the term "substantially" in patent claims:

"the term 'substantially' is a descriptive term commonly used in patent claims to 'avoid a strict numerical boundary to the specified parameter,' Verve, LLC v. Crane Cams, Inc., 311 F.3d 1116, 1120 (Fed. Cir. 2002).

"The term 'substantial' is a meaningful modifier implying 'approximate,' rather than 'perfect.'" Liquid Dynamics, 355 F.3d at 1368.

In Cordis Corp. v. Medtronic AVE, Inc., 339 F.3d 1352, 1361 (Fed. Cir. 2003), the court refused to impose a precise numeric constraint on the term "substantially uniform thickness," noting that the proper interpretation of this term was "of largely or approximately uniform thickness" unless something in the prosecution history imposed the "clear and unmistakable disclaimer" needed for narrowing beyond this plain-language interpretation.

Appl. No. 09/868,375
Amendment and/or Response
Reply to Office action of 20 June 2007

Page 12 of 16

In Anchor Wall Sys. v. Rockwood Retaining Walls, Inc., 340 F.3d 1298 (Fed. Cir. 2003), the court held that "the phrase 'generally parallel' envisions some amount of deviation from exactly parallel," and that "words of approximation, such as 'generally' and 'substantially,' are descriptive terms commonly used in patent claims' to avoid a strict numerical boundary to the specified parameter."

Because the use of the word 'substantially' is well accepted in patent claims, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 73 and 74 under 35 U.S.C. 112, second paragraph.

The Office action rejects claims 42-44, 47, 49, 50, 60, and 61 under 35 U.S.C. 103(a) over Nawaz et al. (USP 5,959,621, hereinafter Nawaz) and Yamada et al. (USP 6,259,432). The applicants respectfully traverse this rejection.

In KSR Int'l. Co. v. Teleflex, Inc., the Supreme Court noted that the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed:

"Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**" KSR, slip op. at 14 (emphasis added).

The applicants respectfully maintain that there is no apparent reason for combining the teachings of Nawaz and Yamada because the principles taught by each are substantially incompatible with each other.

Nawaz teaches flowing links in a flow zone, wherein information items flow across a flow zone in a ticker-tape like fashion.

Yamada teaches an enhanced scrolling system. When the user places the input device into a 'scroll' mode, preferably by pressing a particular button on the input device, the movement of the mouse is not interpreted as a mouse movement that moves the mouse cursor, but as a scroll input that is translated into corresponding scroll commands.

Sep 20 2007 22:52

ROBERT M. MCDERMOTT, ESQ

2152437525

Appl. No. 09/868,375
Amendment and/or Response
Reply to Office action of 20 June 2007

Page 13 of 16

Conventional scrolling, as taught by Yamada is incompatible with a conventional flow zone (ticker-tape display). A flow zone, as the name implies, generally presents flowing information; there is no fixed 'location' of the information to which a scroll indicator can be referenced. A scroll bar is meaningless in a continually flowing display because the scroll position indicator would be continuously pinned to either extreme of the scroll bar, based on the direction of flow. Additionally, the use of a scroll bar in a flow zone would be counter-intuitive, because as is well known in the art, as the scroll indicator moves in one direction, the image moves in the opposite direction.

The courts have consistently upheld that there must be a reason to effect the proposed combination beyond the applicants' specification:

"When prior-art references require a selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself... It is impermissible to use the claims as a frame and the prior-art references as a mosaic to piece together a facsimile of the claimed invention." *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

The Office action provides no apparent reason why one of skill in the art would combine these incompatible display techniques, other than to "directly adjust speed of the scrolling data items within a display window". This reason, the direct adjustment of the speed of the scrolling data items, is only present in the applicants' disclosure. Nawaz teaches an indirect adjustment of the speed of the flowing data items. Yamada does not have flowing data items, per se, and indirectly controls the speed of scrolling through a statically displayed file.

Because there is no apparent reason to combine the teachings of Nawaz and Yamada, and because the teachings of Nawaz and Yamaz are substantially incompatible, the applicants respectfully maintain that the rejection of claims 42-44, 47, 49, 50, 60, and 61 under 35 U.S.C. 103(a) over the combination of Nawaz and Yamada is unfounded and should be withdrawn.

Appl. No. 09/868,375
Amendment and/or Response
Reply to Office action of 20 June 2007

Page 14 of 16

Additionally, assuming, in argument, that an apparent reason can be found for the proposed combination of Newaz and Yamada beyond creating a facsimile of the applicants' invention, the applicants further note that the combination of Newaz and Yamada fails to teach or suggest the elements of the amended claims

Claim 42, upon which claims 43-44 and 47-59 depend, claims an information processing device that includes a display screen to display a plurality of flowing links within a flow zone, and a controller that selectively changes flow speed and flow direction based on locations of user input events within the flow zone. Claims 60 and 61 include similar limitations.

The combination of Nawaz and Yamada fails to teach or suggest a controller that selectively changes flow speed and flow direction based on locations of user input events within the flow zone. The Office action acknowledges that Nawaz does not teach flow control means that is responsive to manipulations of an input device within the flow zone, and relies on Yamada for this teaching.

The Office action references Yamada's FIG. 7 for teaching control within a flow zone. The applicants respectfully disagree with this characterization of Yamada. Yamada teaches placing the input device into a scroll mode, and translating movements of the input device into scroll commands. Whenever the user places the input device into scroll mode, subsequent movement of the device will cause the display to scroll, regardless of whether the cursor is within the display of the information being displayed. That is, although Yamada's FIG. 7 illustrates the placement of the mouse cursor within the file that can be scrolled, Yamada's scrolling is independent of the location of the user input events and therefore not based on locations of user input events within the flow zone; the scrolling is only dependent on the movement (dx, dy) of the input device:

"When the middle button is clicked, i.e., when b2=1, the mouse driver assumes that the displacement values (dx, dy) for the ball are not intended for the moving of the mouse cursor but for the scrolling of data in an active window. The mouse driver transmits the message "ScrollMsg" to the Scroll Mapper through the queue of the OS." (Yamada, column 15, lines 47-51.)

Appl. No. 09/868,375
Amendment and/or Response
Reply to Office action of 20 June 2007

Page 15 of 16

That is, regardless of the current position of the mouse cursor, when the user clicks the scroll button, movements of the mouse are converted into scroll commands.

Because neither Nawaz nor Yamada, individually or collectively, teaches or suggests flow control based on locations of user input events within the flow zone, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 42-44, 47, 49, 50, 60, and 61 under 35 U.S.C. 103(a) over Nawaz and Yamada.

The Office action rejects:

claim 48 under 35 U.S.C. 103(a) over Nawaz, Yamada, and Barraus et al. (USP 6,693,652);

claim 51 under 35 U.S.C. 103(a) over Nawaz, Yamada, and Bates et al. (USP 6,832,350, hereinafter Bates);

claim 52 under 35 U.S.C. 103(a) over Nawaz, Yamada, Bates, and Glaser (USP 6,392,671);

claim 55 under 35 U.S.C. 103(a) over Nawaz, Yamada, and Flutka et al. (USP 5,758,934);

claim 56 under 35 U.S.C. 103(a) over Nawaz, Yamada, and Naidoo (USP 6,629,136); and

claims 57-58 under 35 U.S.C. 103(a) over Nawaz, Yamada, and Ku et al. (USP 6,005,767, hereinafter Ku). The applicants respectfully traverse these rejections.

Each of these rejected claims is dependent upon claim 42, and in these rejections, the Office action relies upon the combination of Nawaz and Yamada for teaching the elements of claim 42.

As noted above, there is no apparent reason for combining Nawaz and Yamada other than to piece together a facsimile of the applicants' claim, and this proposed combination fails to teach the elements of claim 42. Accordingly, the rejections of claims 48, 51, 52, and 55-58 under 35 U.S.C. 103(a) that rely on this combination for teaching the elements of claim 42 should be withdrawn.

Appl. No. 09/868,375
Amendment and/or Response
Reply to Office action of 20 June 2007

RECEIVED
CENTRAL FAX CENTER
SEP 20 2007

Page 16 of 16

The Office action rejects:

claims 65, 67-68, and 71-72 under 35 U.S.C. 103(a) over Nawaz, Ku, and Nevin (USP 6,553,919);

claims 66 and 70 under 35 U.S.C. 103(a) over Nawaz, Ku, Nevin, and McNelly et al. (USP 6,243,130);

claim 73 under 35 U.S.C. 103(a) over Nawaz and Nevin; and

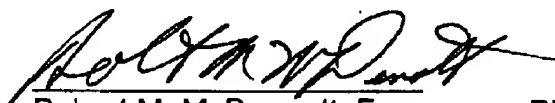
claim 74 under 35 U.S.C. 103(a) over Nawaz, Nevin, and Ku. The applicants respectfully traverse these rejections.

Each of independent claims 65, 71, and 73 is amended to include the limitation that the flow rate is controlled based on user input events within the flow zone.

As discussed above, the prior art fails to teach or suggest controlling the flow rate based on user input events within the flow zone. Accordingly, the applicants respectfully request the Examiner's reconsideration of the above rejections.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Esq.
Registration Number 41,508
Phone: 804-493-0707
Fax: 215-243-7525

Please direct all correspondence to:

Yan Glickberg, Esq.
Philips Intellectual Property and Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615